

October 2, 2013

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BY FAX

Honorable Paul G. Gardephe  
United States District Court for the Southern District Of New York  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, NY 10007

Re: *United States v. Martoma*, No. 12 Cr. 973 (PGG)

Dear Judge Gardephe:

I represent the University of Michigan (the "University") in the above-referenced matter. I write respectfully to request an extension of the University's time to comply with Your Honor's Order of September 24, 2013 (the "September 24 Order"), which requires the University to produce, by no later than October 10, 2013, policies relating to the University's e-mail system and University-issued electronic devices as well as any notices provided to or acknowledgements by Dr. Sidney Gilman of such policies. The University is working diligently to compile the materials called for by the September 24 Order. Given the scope of the order, however, I respectfully submit that an extension of the time to comply is necessary.

*First*, the September 24 Order calls for a broad variety of materials, not all of which are maintained by a single department at the University. The University thus has been required to engage in a time-consuming process of coordinating with a number of departments to identify and collect the relevant materials.

*Second*, the September 24 Order contains no time limitation with respect to the materials to be produced. Thus, compliance with the Court's Order requires the University to review materials over the entirety of Dr. Gilman's employment with the University—a period of over 35 years—to identify responsive materials that must be produced. Although some of the more recent material is available electronically and thus readily obtainable, some is not. Moreover, it is especially time-consuming and difficult to identify and locate material dating from the early period of Dr. Gilman's employment, particularly since some of the material in question may have been archived and many of the people with relevant knowledge are no longer employed by the University.

Accordingly, I hereby respectfully request that the University be granted an extension of two weeks, until October 24, 2013, to comply with the September 24 Order. I have communicated with counsel for Mr.

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**MEMO ENDORSED**

*The Application is granted.*

**SO ORDERED:**

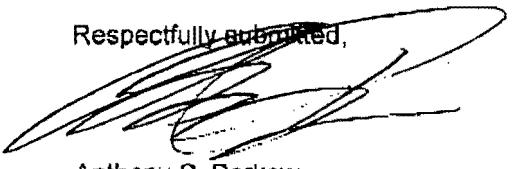
*Paul G. Gardephe*  
Paul G. Gardephe, U.S.D.J.

Dated: Oct. 3, 2013

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Martoma, Roberto Braceras; counsel for Dr. Gilman, Jonathan Halpern; and counsel for the United States; Arlo Devlin-Brown, and they consent to the request.

Respectfully submitted,

  
Anthony S. Barkow  
Partner

cc: Assistant United States Attorney Arlo Devlin-Brown, by e-mail  
Jonathan Halpern, by e-mail  
Richard M. Strassberg, by e-mail  
Roberto Braceras, by e-mail